

THE RINGSIDERS GIVE THE EARLY ROUNDS TO COLONEL ROOSEVELT

Continued from First Page.

starting the Colonel managed to side-step to safety. There was, perhaps, never been a finer exhibition of mental footwork in the history of the human race.

Wherein the Record Falls.

The record—the colorful printed array of questions and answers—does not begin to picture Col. Roosevelt's defensive tactics and his characteristic attitude toward the jury. Something of his nimble and acute intelligence is revealed by the record, but much is lost. Roosevelt, testifies, not with voice alone, but with eyes, ears, mouth, chin and both legs and both arms. He is simply in a high state of eruption from the moment he takes his seat in the witness chair until the moment the infuriated Mr. Ivins is willing to call it a day.

The frank friendliness of the Colonel's manner toward the jurors, the confidential tone apparently used for their benefit alone, the facetious chuck that accompanies nearly every hit scored against Ivins, the bulldog chin shot out when he smacks his hands together and explains how he punished all of the Mr. Ivins sort of losers while giving the Dr. Jekyll sort another chance to hit the sawdust trail, the uplifted forefinger admonishing Ivins and even his own lawyer, the negative shakes of the head as he refused to submit to Bowers's desire that certain letters be ruled out, the glance of amiability and the smile of trust that he turns on Ivins when that gentleman asks him if he will accept or concede such a point, his high deference to the Justice, even to the point of saluting the Justice with right hand to eye level on leaving the stand or asking for some small privilege—all of these things should be seen and heard to be appreciated.

It is practically impossible to describe them in mere words. Maybe you will get a pretty fair notion of what it must be if you are told that this reporter has heard half a dozen times this amusing comment:

"What a shame it is that the talky-movie isn't recording this case! The concern that had the privilege of putting the Colonel in a combination moving picture and talking machine would make all the money in the country."

Mr. Ivins as an Examiner.

However, it must not be taken for granted that Col. Roosevelt has escaped without a scratch. For five days of his five days testimony he has been up against a lawyer who has proved to be a marvelous student of human nature as well as a masterly cross-examiner. He happens to be also an enthusiastic entomologist.

A student of politics, a distinguished figure in the Republican party of his city and State, Mr. Ivins is under no handicap in questioning the Colonel about political happenings. His wit flashes continually, as, for example, in the session of yesterday afternoon when in reply to Roosevelt's reminder that Ryan had contributed \$500,000 to the Parker fund, he said: "Yes, yes, you were both playing for pretty high stakes."

His irony might perhaps wreck the power of one of the Colonel's attacks, against whose armor Mr. Ivins's shafts appear to blunder themselves and fall to earth.

Nothing could be more amusing than his constant bluffs—"You were at that time acting in the cause of righteousness" or "At that time, Mr. Roosevelt, you regarded Mr. William Murphy as Dr. Jekyll kind of boss" or "So you really believe that you are final judge of all men's acts, do you?"

Surely, an ex-President of the United States was never so contemptuously chided.

It is upon the "final judge" topic that Mr. Ivins has been most sharply harried in his attempt to show the jury that Col. Roosevelt has assumed to be a world monitor while privately accepting the support of the wicked.

Mr. Ivins's Objective.

Analyzing Mr. Ivins's various lines of cross-examination, his whole purpose is revealed and can be simply expressed as an effort to show that Col. Roosevelt is not the high minded man he professes to be. In this general effort he emphasizes his own record in 1911, the approval of Barnes and of Roosevelt's works until Barnes refused to take his orders.

Mr. Ivins seeks to bring out that the Colonel never said a hard word about Barnes until Barnes got the better of him in 1911 and later was a predominant factor in his reelection to 1912. And Mr. Ivins is trying to show further that Col. Roosevelt took the same course with other men, notably with William Murphy, who was acceptable enough, according to Mr. Ivins, until he tried to show that Roosevelt was not eligible for the governorship.

Reviewing the development of the case in the past week, certain points made by the Roosevelt counsel and certain points made by the Barnes counsel stand out.

The Roosevelt Successes.

These may be summarized briefly, taking up first the successes of Col. Roosevelt's counsel. The first was the fact that Col. Roosevelt had a secret arrangement with Boss Murphy by which each was to help the other get desirable legislation or command certain offices. The offered proof of this is Barnes's conversation with William Murphy, Jr., when Barnes told Murphy of the Sherrin Senatorial fight of 1911, that he couldn't use the Republican organization to elect an independent Democrat because of his arrangement with Murphy.

That Barnes killed the first bill against racketeering. The offered proof of this is Senator Davidson's conversation with Senators Davenport and Newcomb, who said that Barnes ordered his Albany county Senator, Gratton, to turn against the bill.

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That Barnes, acting under Senator Platt's orders, tried to kill the franchise tax bill and labored with Roosevelt to convince him that it was an unconstitutional measure. The offered proof of this is Roosevelt's testimony as to the conversations with Barnes.

That Barnes continued his secret arrangement with Murphy by using Murphy Democrats to elect Aids, a Barnes Republican, as president of the Senate to succeed John T. Landon, and that Murphy used Barnes Republicans to save Senator Stillwell, charged with bribery, from expulsion from the Senate. The offered proof of this is Roosevelt's testimony about conversations with Barnes.

That Barnes was a large beneficiary from the corrupt printing ring in Albany, and that he received large sums from fraudulent and excessive payments by the State. The offered proof of this is that part of the Barnes committee report which accuses Barnes of sharing graft.

That Roosevelt failed to prevent the State from establishing a printing house. The offered proof of this is Barnes's letter to Roosevelt in 1899 admitting that he would be hard hit financially if the State were to do its own printing.

The Barnes Successes.

On behalf of Mr. Barnes, Mr. Ivins has scored these points:

That certain portions of the Barnes committee report referring to the immunity of gambling houses and other illegal resorts in Albany are not admissible as evidence.

That Roosevelt had laid claim to almost divine prerogatives in judging the words and deeds of other men. Proof is offered in the shape of Roosevelt's own statements in the witness stand.

That Roosevelt leaned upon bosses and approved of their works from the day he entered public life in 1880 until 1911 when he lost his grip on the Republican party. The proof of this is offered in the shape of Roosevelt's own admissions as a witness and by his correspondence with Platt, Quigg, Barnes and others.

That Roosevelt changed his notions about bosses and about Barnes only after he fell out with Barnes and other leaders in 1911. The proof offered is Roosevelt's testimony and many letters and newspaper articles.

That while Roosevelt believes corporate campaign contributions made in behalf of other men's candidacies are evil, such contributions made in his behalf are good. The proof offered is Roosevelt's testimony that Barnes was to be censured for desiring corporate cash for party uses, while Roosevelt must not be criticized for approving the corporate cash which went to Cortelyou in 1904. Letters and the Platt committee report are also part of the offered proof.

That Roosevelt was a boss himself of the most vigorous type. The proof offered is Roosevelt's testimony that he prevented Hughes's nomination for President in 1908; that he hand-picked party managers; that he caused Hughes's nomination for Governor in 1908 and his reelection in 1910.

That Roosevelt's credibility is bad because he broke a solemnly made pledge in 1904 that he would never again be a candidate for the Presidency; and that his speeches and writings seem to show that he has done many things which he preached against and repudiated other men for.

Many witnesses for Roosevelt.

If a guess is permissible, one might say that the case will go on for two weeks more. The Colonel has a perfect crowd of witnesses to be called in corroboration of his statements and the examination of some of these is apt to be long drawn out.

One rather long for Mr. Ivins's cross-examination of the local Mr. Loeb, who reappears after a period of years to back up his former chief once more. Mr. Loeb is going to do it in handsome style.

That is certain. Nobody in the world knows more about Roosevelt or understands him better than Billy Loeb, who kept track of his correspondence for eight years and who was on the most confidential basis with him.

Lawyers who have studied the run of the case believe that it will be well into May before the jury is sent out to consider whether or not Mr. Barnes will receive anything for 6 cents up to \$2,000 as satisfaction for Col. Roosevelt's accusations.

The longer the case runs the better Syracuse will be pleased. A supervisor who complained the other day that Onondaga county was being put to pretty heavy expense just to give William Barnes and Theodore Roosevelt a chance to fight out their quarrel has been cheered by the local newspapers who assure him with delightful frankness that "the cost of the suit is inconsequential as compared with the amount of money that will be left in the city."

Somewhere estimated the other day that 200 persons have been brought to this city by the case and that each will spend an average of \$10 a day—say about \$4,000, if the trial lasts three weeks.

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